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Attorney for Defendant  
BO SENG

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. S 04-205 GEB
	)	
Plaintiff,	)	<b>STIPULATION TO REDUCE SENTENCE</b>
	)	<b>PURSUANT TO 18 U.S.C. § 3582(c) (2)</b>
v.	)	
	)	<b><u>RETROACTIVE CRACK COCAINE REDUCTION</u></b>
BO SENG,	)	<b><u>CASE</u></b>
	)	Date: June 6, 2008
Defendant.	)	Time: 9:00 a.m.
	)	Judge: Hon. GARLAND E. BURRELL, Jr.
	)	

Defendant, BO SENG, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney MARY L. GRAD, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Seng was subsequently lowered by the United States Sentencing Commission in Amendment 706 by two levels;

3. Accordingly, Mr. Seng's offense level has been reduced from 27 to 25, and a sentence at the low end of the new guideline range would be 70 months;

4. Mr. Seng merits a reduction in his sentence based on the factors listed in 18 U.S.C. § 3553(a), as well as considerations of public safety and Mr. Seng's positive post-sentencing conduct;

5. Accordingly, the parties request the court to enter the order lodged herewith reducing Mr. Seng's term of imprisonment to 70 months.

Dated: May 12, 2008

Respectfully submitted,

McGREGOR SCOTT  
United States Attorney

DANIEL J. BRODERICK  
Federal Defender

/s/ Mary L. Grad  
MARY L. GRAD  
Assistant U.S. Attorney  
Attorney for Plaintiff  
UNITED STATES OF AMERICA

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender  
Attorney for Movant  
BO SENG

#### ORDER

This matter came before the Court on the motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) filed on April 16, 2008. The motion was set for hearing on June 6, 2008, but because the parties have stipulated to the resolution, the matter is taken off calendar.

On January 21, 2005, this Court sentenced Mr. Seng to a term of imprisonment of 87 months. The parties agree, and the Court finds, that Mr. Seng is entitled to the benefit of the retroactive amendment reducing crack cocaine penalties, which reduces the applicable offense level from 27 to 25.

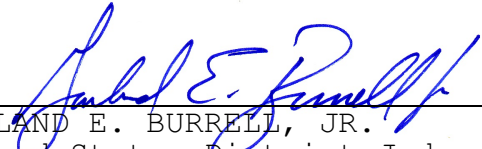
IT IS HEREBY ORDERED that the term of imprisonment originally  
STIPULATION AND ORDER TO REDUCE SENTENCE

1 imposed is reduced to 70 months;

2 IT IS FURTHER ORDERED that all other terms and provisions of the  
3 original judgment remain in effect.

4 Unless otherwise ordered, Mr. Seng shall report to the United  
5 States Probation office closest to the release destination within  
6 seventy-two hours after his release.

7 Dated: May 12, 2008

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10 GARLAND E. BURRELL, JR.  
11 United States District Judge  
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